

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GERALDINE GARCIA,
Plaintiff,

v.

CIV No. 14-573 GBW

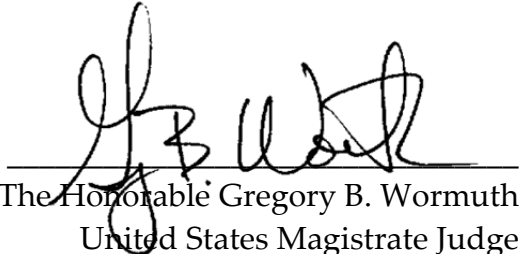
CAROLYN W. COLVIN, Acting
Commissioner of Social Security
Administration,
Defendant.

ORDER AWARDING ATTORNEY FEES & COSTS
UNDER EQUAL ACCESS TO JUSTICE ACT (EAJA)

THIS MATTER having come before the Court upon Plaintiff's Stipulated Motion for Attorney Fees Under Equal Access to Justice Act (Doc. 22), the Court FINDS that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that attorney fees and costs be, and hereby are, awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff in care of her attorney in the amount of \$2,750.00. *See Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).


The Honorable Gregory B. Wormuth
United States Magistrate Judge